

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

EMPRESS HADIYA BEY,	*	Case No. 19-CV-1877 (PKC)
	*	
	*	
Plaintiff,	*	Brooklyn, New York
	*	March 30, 2022
v.	*	
	*	
JASON ROCKE, et al.,	*	
	*	
Defendant.	*	
	*	
* * * * *		

TRANSCRIPT OF CIVIL CAUSE FOR TELEPHONE CONFERENCE  
BEFORE THE HONORABLE RAMON E. REYES  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff, Pro Se:	EMPRESS HADIYA BEY Lyrics Playhouse Moorish Sidbury Institute P.O. Box 180 Bronx, NY 10472
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For the Defendants Michael Mancilla and Jason Rocke:	AMANDA M. ROLON, ESQ. New York City Law Department Special Federal Litigation Office of the Corporation Counsel 100 Church Street New York, NY 10007
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For the Defendants Henri Roc and Francis Shea:	MELISSA YSAGUIRRE, ESQ. New York State Office of the Attorney General 28 Liberty Street New York, NY 10005
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1 (Proceedings commenced)

2 THE COURT: I'm going to ask you all to hang up and  
3 dial back in. I want to see if we can get rid of this static  
4 because I'm having a difficult time hearing everyone. I don't  
5 know what's going on but I -- I think that -- hopefully that  
6 will clear it up.

7 (Off the record)

8 THE COURT: Okay. I'm sorry, but it seems like  
9 we're back in business. The call is clear. Again, this is  
10 Bey v. Roche et al., Docket Number 19-CV-1877.

11 Ms. Bey, are you there?

12 MS. BEY: Islam. I was already given it. This is  
13 (indiscernible) Bey again.

14 THE COURT: Okay, great. And, Ms. Rolon?

15 MS. ROLON: Yes. Hello. Amanda Rolon with the  
16 Office of Corporation Counsel, appearing on behalf of  
17 defendant, Jason Roche. Good morning.

18 THE COURT: And, Ms. Ysaguirre.

19 MS. YSAGUIRRE: Melissa Ysaguirre, with the Office  
20 of the Attorney General, for the state defendants.

21 THE COURT: Okay. All right. Thank you.

22 Okay. So we had been on the line with the very bad  
23 static, discussing the issue of service of former officer,  
24 Joey Brockington, and explain -- the Court explained to Ms.  
25 Bey that it is not able to do a skip trace on him and find

1 him.

2 So unless Ms. Bey can find him, a good address for  
3 service so the marshals can serve him, he will remain  
4 unserved.

5 I will see if I can do public -- free public records  
6 searches to see if we can get an address for him, but I can't  
7 guarantee that we will -- that we can do that. It seems like  
8 almost every search service requires payment.

9 Now, I know that Ms. -- there have been a number of  
10 things that have been filed since our last conference. I'm  
11 not sure that any of them require any action from the Court.  
12 They -- but we can -- we can talk about them.

13 First though, Ms. Rolon, I know there was at least  
14 one letter that Ms. Bey filed complaining that the city has  
15 not responded -- had not responded at that point to the -- to  
16 her discovery requests.

17 And you did answer that the time to provide those  
18 responses had not yet arisen. I assume now the time has  
19 passed and the question is has the city responded to Ms. Bey's  
20 written discovery requests?

21 MS. ROLON: Amanda Rolon here? Yes, Your Honor,  
22 timely responses have been served upon plaintiff.

23 THE COURT: Okay.

24 MS. BEY: Islam.

25 THE COURT: Yes?

1 MS. BEY: May (Indiscernible) speak to that.

2 THE COURT: Yes?

3 MS. BEY: They gave me -- they gave me what they are  
4 going to use for their defense. They didn't respond to  
5 anything I asked for. Everything that I asked for is directly  
6 related to this case. It is actually what gave rise to this  
7 case and they are the ones who have complete and total access  
8 to those records.

9 Also, in accordance to that they have attempted to  
10 have me assign them as my agent, knowing good and well we're  
11 in litigation against each other, that they shouldn't be  
12 asking me to sign for me to be them -- for me to be -- for  
13 them to be an agent for me at all. That's number one.

14 Number two, every time I ask them for something,  
15 they're saying, oh, this person is my defendant -- I mean,  
16 this person is my -- is my client and that's it and you're  
17 asking for stuff that's outside of what the scope is.

18 And it's not outside of the scope, because everybody  
19 keeps going and picking bits and pieces of this case that they  
20 want to deal with, instead of dealing with it as an entirety.

21 As for example, the State of New York needs to be  
22 talking to the City of New York. You know, the people who's  
23 representing the state defendants need to be talking to the  
24 city people who's representing the city defendants so they can  
25 get this together, because at the end of the day looking at

1 bits and pieces of this is not going to get the problem  
2 solved.

3 It's looking like you want to see what you can find  
4 against me, because asking me to unseal records that's sealed,  
5 or asking me for medical documents that you can't even get  
6 access to, that's a violation of my Fourth Amendment rights,  
7 but we're already here on that.

8 So I'm asking for the same amount of respect that  
9 you guys want from me. I'm asking for the same thing, because  
10 every time I ask for something I'm getting denied it, and then  
11 you all want me to sign away my rights again like I'm a fool,  
12 and I do not feel that you are taking me seriously. I feel  
13 like the religious discrimination is happening right here  
14 again because I'm a Moorish American. That's how I feel.

15 And you cannot tell me that I'm wrong for how I feel  
16 based off of how you been behaving. You all not taking  
17 nothing seriously. These people are running away and doing  
18 whatever -- guilt is already there. Everything was dismissed  
19 with prejudice. So, therefore, once it's dismissed with  
20 prejudice and sealed, there's a crime that has occurred.

21 The City of New York and the State of New York need  
22 to get together and figure out what's going on in these courts  
23 and fix the problem. You all sitting here denying me records  
24 that's mine. I'm asking you to send me what's mine so I can  
25 properly put on this case because I'm going to trial. And

1 with that I yield the floor.

2 MS. ROLON: Your Honor, Amanda Rolon, may I please  
3 respond?

4 THE COURT: Yes.

5 MS. ROLON: Just to respond to two points made by  
6 plaintiff. I just wanted to confirm that discovery responses  
7 were sent to plaintiff by email on February 3rd, 2022 and the  
8 subject of that email is Jason Rocke's discovery responses  
9 dated February 3rd, 2022, if that helps at all as a reference  
10 for plaintiff.

11 And then the second thing, just to shed light for  
12 the Court on the agent issue. What I believe plaintiff is  
13 referring to is the 160.50 release that was requested back in  
14 2020 when this action -- or early in 2020, when this action  
15 was still at it's very early stages. I am under the  
16 impression that that release was executed in person by Ms. Bey  
17 and the documents related to the alleged incident, which were  
18 sealed, have been obtained and disclosed to plaintiff as part  
19 of our initial disclosure.

20 MS. BEY: I never signed anything. So I never  
21 signed anything for you all, never. So who gave you all  
22 permission? This is what I saying. I didn't execute nothing  
23 with you all in person to look nothing. So what are you  
24 talking about?

25 And then not for nothing, but what you sent me was

1        what already occurred. I have those records already. You  
2        didn't send me nothing I asked for. Discovery is --

3                MS. ROLON: Your Honor.

4                MS. BEY: -- what I ask for, not what you think I  
5        need.

6                MS. ROLON: Your Honor, I was the person who met  
7        with Ms. Bey in the lobby of my office building to obtain the  
8        executed release and that was handed to me in person and that  
9        was processed and conceded.

10               MS. BEY: I signed a -- I signed a release. I  
11        signed it for you to be my agent?

12               THE COURT: No, it's not for her to be your agent.  
13        Just so you understand, Ms. Bey, a 160 -- when someone is  
14        arrested and a conviction is not obtained, all of the records,  
15        court records, police records, are sealed pursuant to Criminal  
16        Procedure Law 160.50. 160.50 That means no one can take a  
17        look at them.

18               MS. BEY: Right.

19               THE COURT: When someone subsequently brings a case  
20        concerning that arrest those records become relevant and so  
21        the person signs -- and the Court can enforce it -- they sign  
22        what's called a 160.50 release. That permits the defendant --

23               MS. BEY: Okay, but what does that have to do with  
24        medical records?

25               THE COURT: Hold on. Hold --

1 MS. BEY: What does that have to do with education  
2 records?

3 THE COURT: -- on, just hold -- let me finish,  
4 please.

5 MS. BEY: My apologies.

6 THE COURT: The 160.50 release allows the defendants  
7 to obtain those records and give them to the plaintiff and  
8 also use them to defend the case. It doesn't -- when you sign  
9 a 160.50 release you're not saying that the defendants are  
10 your agents. You're just allowing them to obtain these  
11 records that have been sealed. Yes, it does not have anything  
12 to do with medical -- medical records, but --

13 MS. BEY: Islam. So that's my problem.

14 THE COURT: Okay. But --

15 MS. BEY: My problem is, is they're asking me for  
16 records back to 2007, my personal records, journal entries,  
17 all of my friends and family members' numbers, and all of this  
18 stuff that they're asking me for that's a violation of my  
19 First -- Fourth Amendment rights and my First Amendment  
20 rights.

21 So at the end of the day what you're looking for  
22 there's nothing to find. The cases were dismissed, all of  
23 them. So there's nothing to find. There's no defense for  
24 you. I don't understand --

25 THE COURT: Two -- okay.



1 MS. BEY: -- what we're going back and forth about.

2 THE COURT: Okay. Well, you have filed, in part, a  
3 excessive force case where you claim to have suffered injuries  
4 as a result of --

5 MS. BEY: Yeah. Every day.

6 THE COURT: -- the actions of the officers.

7 MS. BEY: Yes. Every day.

8 THE COURT: Right?

9 MS. BEY: All the time.

10 THE COURT: So that places --

11 MS. BEY: So there is no doctor. There is no  
12 doctor. The person who's suffering is me. The person who is  
13 experiencing is me. New York do not treat us the same way.  
14 You all know how what's going on out here, so I don't know why  
15 everybody acting like they don't know what's going on out  
16 here. You all know how they treat the Asiatics. So I don't  
17 know why you all don't know what's going on here.

18 They took me -- them same court officers took me to  
19 the doctor while I was abused by nurses in there. So I'm  
20 going to go somewhere else to get abused by doctors and nurses  
21 because of what I look like. We not going to play this game,  
22 because we playing games now. That's how I feel. I feel like  
23 you all trying to play games with me and my family.

24 THE COURT: All right. We're not playing games.

25 MS. BEY: And we not getting no recourse.

1 THE COURT: Ms. Bey, I am certainly not --

2 MS. BEY: And I'm not talking about you, Your Honor.

3 I'm talking about these attorneys that sitting here  
4 trying to defend people who are criminals, that been doing  
5 this for over 20 years. This is not just the first time. And  
6 we want to sweep stuff under the rug and have people sign --  
7 sign waivers and stuff saying they won't talk no more. I'm  
8 not playing. You all playing. You all have -- you all abuse  
9 people. The City of New York have the NYPD abusing people and  
10 then having them sign gag orders and pay them off. I'm not  
11 doing that.

12 So let's talk what we going to discuss at trial and  
13 that's it. Anything else you requested from me, I'm not  
14 giving it to you all. I'm not giving you my private  
15 information. I'm not giving up my friends. My friends is  
16 afraid of you all. You all sitting here scaring all my family  
17 members and friends away. We not going to keep doing this.  
18 We need resolution.

19 If we not going to get no resolution, give me some  
20 type of order to take to a higher court, because we sitting  
21 here going back and forth about stuff that you all know you  
22 all wrong about.

23 Everything was dismissed with prejudice and every  
24 case is closed and sealed. I don't have nothing on me. I've  
25 never been a criminal, so why are we here?

1 THE COURT: You brought the case, Ms. Bey.

2 MS. BEY: Exactly. I brought the case because they  
3 don't know how to control their people.

4 THE COURT: And -- and --

5 MS. BEY: I mean, I want to know why we even having  
6 this conversation right now. When is trial?

7 THE COURT: That is for the district judge to  
8 decide. That is not my call.

9 MS. BEY: Okay. So I need to -- I need that to  
10 happen.

11 THE COURT: My call is discovery. My call is  
12 discovery. That's --

13 MS. BEY: Okay.

14 THE COURT: -- that's within my purview. And as  
15 part of discovery, if you are insisting on going forward with  
16 your excessive force case that resulted in injuries, the  
17 defendants are entitled to see any medical records concerning  
18 those injuries or pre-existing injuries --

19 MS. BEY: Well, if they can get them without my  
20 signature --

21 THE COURT: -- to take part of -- don't interrupt  
22 me. Ms. Bey, don't interrupt me.

23 If you are insisting on going forward with an  
24 excessive force that resulted in injuries, the defendants are  
25 entitled to see your medical records concerning those injuries

1 or any prior injuries to those same body parts. That's why  
2 they ask for a medical release. If you didn't seek medical  
3 treatment for any injuries you sustained as a result of these  
4 two incidents, then there are no medical records. So signing  
5 a release for them to obtain it is a no-brainer. There are --

6 MS. BEY: Islam?

7 THE COURT: There are no records to get.

8 MS. BEY: I'm not trying to be disrespectful, Your  
9 Honor. What I said to Ms. Ysaguirre was, if I can't get them,  
10 I'm not signing for you to get them either.

11 THE COURT: I -- you have every right --

12 MS. BEY: That's exactly what I said.

13 THE COURT: You will have every right to get a copy  
14 of those records if they -- if they obtain them.

15 MS. BEY: Right. No, I should be able to obtain  
16 them and then send them over to them.

17 THE COURT: But that's -- no.

18 MS. BEY: Why should I have to --

19 THE COURT: They're --

20 MS. BEY: -- get them?

21 THE COURT: Because --

22 MS. BEY: This is the problem.

23 THE COURT: No, this is not a problem. This happens  
24 --

25 MS. BEY: This is the problem. (Indiscernible) here

1 in America.

2 THE COURT: Ms. Bey, I've been doing this for 16  
3 years and I was an attorney for 15 years prior to that. This  
4 is routine --

5 MS. BEY: Okay.

6 THE COURT: -- in a case involving personal  
7 injuries. A defendant --

8 MS. BEY: All right. But I don't have any rights to  
9 --

10 THE COURT: -- does not have to -- don't interrupt  
11 me.

12 MS. BEY: -- my records before somebody else?

13 THE COURT: Okay.

14 MS. BEY: Is that what you're telling me? Are you  
15 telling me I don't have right to see my own stuff before  
16 anybody else, because that's what you're telling me right now.

17 THE COURT: You have -- no, I'm not telling you  
18 that.

19 MS. BEY: You're telling me my Fourth Amendment  
20 rights don't matter.

21 THE COURT: You can -- you can get -- you can get  
22 the records any time you want by going to your providers and  
23 (indiscernible).

24 MS. BEY: No, I can't. The hospital told me I can't  
25 have them. They flat out told me in my face, no.

1 THE COURT: That's wrong. If they told you that,  
2 that's wrong.

3 MS. BEY: That's what they did. The hospital flat  
4 out told me no, get out of here. They not giving me nothing.  
5 I been trying to get these records. This is why I said what I  
6 said, Your Honor. I'm not trying to be belligerent or  
7 non-compliant. I'm just saying, when I asked for the same  
8 records that they asked me for, I got turned away and told to  
9 get out of here, that they not giving me nothing.

10 THE COURT: Okay. Here's what we're going to do,  
11 because Ms. Bey is concerned that the City -- the State will  
12 get medical records -- her medical records before her. Simple  
13 solution. Ms. Bey signs a release for each provider. I don't  
14 know how many there are. You sign a release for each  
15 provider. Ms. Ysaguirre, Ms. Rolon, whomever, prepares a  
16 subpoena for them with -- for the Court's signature with the  
17 return to be the -- the return will be to the Court.

18 So that we will get the records before anyone else,  
19 and then we will simultaneously provide a copy to Ms. Bey and  
20 the defendants, to be kept --

21 MS. BEY: Thank you so much.

22 THE COURT: -- confidential, attorneys eyes only.

23 MS. BEY: Thank you. That's all I -- that's all I  
24 was asking.

25 THE COURT: I'd like to -- I'd like -- I'd like to

1 see those subpoenas by the end of next week.

2 MS. BEY: Thank you.

3 THE COURT: But that means, Ms. Bey, that you're  
4 going to have to sign a release -- the releases.

5 MS. BEY: That's not a problem. As long as I -- as  
6 long as I'm aware that it's not going to be shared with anyone  
7 else besides the attorneys on this case, I am fine with that.

8 THE COURT: Okay. What other -- Ms. Rolon, what  
9 other issues are there in discovery that need my attention?

10 MS. ROLON: Well, Your Honor, in addition to the  
11 releases which weren't provided, plaintiff has failed to  
12 provide responsive -- responsive responses to our document and  
13 discovery requests. Both the interrogatories and the first  
14 discovery document requests from our office.

15 Plaintiff -- you know, just to give an idea of  
16 what's been going on in the background. Plaintiff has  
17 forwarded me, I believe, 80 or more emails with documents,  
18 attachments, photos, majority of which do not apply to this  
19 action. And --

20 MS. BEY: Islam.

21 MS. ROLON: If I may?

22 THE COURT: Just let her finish.

23 MS. ROLON: And so, at this time, Your Honor, my  
24 office is preparing a deficiency letter to serve plaintiff and  
25 hope that we can resolve this issue before having to raise it

1 again with the Court.

2 MS. BEY: Islam. I have a response to that as well.

3 So they asked for the emotional damages, the effects to my

4 business and my personal relationship and to my life.

5 Now we're not in 2018 anymore. We're in 2022, and

6 this is having effect on my life right now.

7 Everything that I have sent over to both the New

8 York State and the New York City office is what will be used

9 as evidence to the emotional distress, the effects to my

10 business, the effects of my personal relationships, the

11 effects to my religious observances and how I be treated, the

12 defamation, and the unequal protections at law. All of this

13 is what I am raising as questions in my case.

14 If they read the entire thing that I submitted to

15 the Court, both the first one that the judge told me to amend,

16 and right now, they would understand. See, the problem is, is

17 people don't read with comprehension. They read to see what

18 they want to see. You asked me for proof. The proof is

19 happening right now.

20 Okay, in 2018, yeah, my children were in the system

21 and all that and case was dismissed and all that. You all

22 have all that evidence already. But guess what? Their

23 actions are having an effect on my life right now today.

24 So with that in mind, all of the evidence you asked

25 for, I sent it to you. I sent you the witness list because



1 those are people who know what happened. I sent you proof of  
2 emotional distress. I sent you -- I sent you proof of mental  
3 anguish. I sent you proof of effects to my business. I sent  
4 you proof of how it's affecting me right now, what happened in  
5 2018. Everybody keeps overlooking the facts. There are more  
6 facts to this case than just that arrest. You have to look at  
7 all of the facts, what led up to it and everything.

8 I know when I was in school, when we was taught  
9 about science, there was a question. Once there was a  
10 question, once the question was there, you tested it. How did  
11 you test it? By putting different things in different places.  
12 I don't have to give you the breakdown of what my  
13 demonstration is going to be at trial, but I do have to give  
14 you the evidence that I plan on submitting.

15 At the end of the day, I don't have videos, and I  
16 don't have text messages and stuff from 2018 when this was  
17 happening. The only thing I have from then is the same  
18 records that you have that you sent me.

19 Right now, as it stands, all of them ACS case  
20 records and stuff that I asked you for, that I asked you to  
21 get, those is going to be what's going to help you. That's  
22 going to be what's going to help you formulate your argument,  
23 but you can't formulate your argument off of something that  
24 was dismissed with prejudice. So everything you asking me  
25 for, it's already been handled and it has nothing to do with

1       this case.

2               But my mental anguish, and my emotional distress,  
3       and what I'm going through with my family and friends, and me  
4       feeling isolated, and me feeling like I'm being picked on and  
5       discriminated against, that's the real effect of what  
6       happened. That's actually what I'm going through right now.

7               So I understand how you don't understand how that  
8       has anything to do with the case right now, but if I have a --  
9       without a doubt, a contradiction.

10              I'm going to show you how it's been over a 20 year  
11      practice of the State and the City of New York to discriminate  
12      not only against Asiatics, but to be even more harsh or  
13      Moorish Americans, and that's just it. And with that, I yield  
14      the floor.

15              THE COURT: Ms. Bey, every litigant in a civil case  
16      is entitled to ask the other side for what they consider to be  
17      relevant documents and interrogatories; ask questions in the  
18      interrogatories on what they think is relevant to the case.  
19      They're not limited to what the other side says is relevant.

20              So when the city and the state serve discovery  
21      requests, you have to respond to them line by line saying --

22              MS. BEY: I did respond to them. I gave them a  
23      clear response and then I sent it to the Court. That's my  
24      response. And I stand on that.

25              THE COURT: That -- they're entitled to written

1 responses, not what you say.

2 MS. BEY: I did.

3 THE COURT: I have --

4 MS. BEY: I did send the written responses.

5 THE COURT: Okay. Okay. All right.

6 MS. BEY: I submitted both to them and the Court.

7 THE COURT: Okay. And if --

8 MS. BEY: That's my response.

9 THE COURT: -- if they believe that the responses  
10 are not sufficient, they have to meet and confer with you and  
11 explain why, whether in -- whether in writing or in person,  
12 and if you --

13 MS. BEY: It's a dispute.

14 THE COURT: So if you still, at that point refuse --

15 MS. BEY: We are disputing.

16 THE COURT: Let me -- just let me finish. I'm  
17 trying to explain the process to you.

18 If you --

19 MS. BEY: Uh-huh.

20 THE COURT: -- will not amend your responses and  
21 produce additional documents to satisfy their concerns, they  
22 will then bring a motion to compel to me. So I -- it seems  
23 that you're not --

24 MS. BEY: You're trying to compel me to do what?

25 Something that I can't give them. You're asking me to give

1       them something I don't have.

2               THE COURT:   Well --

3               MS. BEY:    So --

4               THE COURT:   -- that's -- but that's the response --

5               MS. BEY:    -- I gave them my response.

6               THE COURT:   That's the written --

7               MS. BEY:    I gave them the response.   That's the  
8       response.   That's what they got.   That's the response that --

9               THE COURT:   I don't have --

10              MS. BEY:    -- I gave them what I have.

11              THE COURT:   -- I don't have any of these documents.  
12       So they're -- they'll --

13              MS. BEY:    They have the documents.

14              THE COURT:   -- meet and confer with you about that.

15       If they think that you should have some of these documents,  
16       they'll press you on it.   If you don't have them, you don't  
17       have them.   But if you do have something that they think is  
18       relevant that they have asked for, you're obligated to produce  
19       it, unless you have a valid objection to it.   And I haven't  
20       seen the written responses --

21              MS. BEY:    I'm not objecting to anything.   All of my  
22       objections is my Fourth Amendment rights stand, and I wrote it  
23       and it's on the record.   I filed everything that I've sent to  
24       Ms. Ysaguirre or to Ms. Rolon.   I filed it on the docket as  
25       well.   I don't never leave nobody out of the loop.

1           So I'm not sitting here playing games with nobody.  
2           I'm standing on my square and I'm standing on my Fourth  
3           Amendment rights, and that's it. And anybody that's going to  
4           tell me that my First and Fourth Amendment rights don't  
5           matter, we can talk about it with somebody else. And that's  
6           how I'm standing on that.

7           THE COURT: All right. All right, Ms. Rolon, Ms.  
8           Ysaguirre, if you believe that Ms. Bey's written responses to  
9           the discovery requests are insufficient, you're obligated to  
10          meet and confer with her. If you have not already done so,  
11          please do so. If you can't get satisfaction, then you're  
12          entitled to bring a motion to compel.

13          But when you -- when -- whether it's the defendants  
14          or, Ms Bey, if you bring a motion to compel, you have to show  
15          me the requests, the written requests, and responses. I can't  
16          make rulings on whether discovery should be produced or not  
17          without knowing what the specific request is and the specific  
18          response.

19          It's in our local -- our local rules. When you're  
20          making a motion to compel, you have to provide the Court with  
21          those written requests and responses so the Court can rule.  
22          And that's all I can say about that.

23          Ms. Bey, have you -- you've received now, the  
24          written responses to your discovery requests, is that correct?

25          MS. BEY: Yes. Yes, I've received written

1 responses.

2 THE COURT: Okay. Do you deem them to be sufficient  
3 or not?

4 MS. BEY: No, I do not, and I really don't feel like  
5 I need to do a motion to compel everything -- anything,  
6 because I have all of the evidence I needed anyway.

7 THE COURT: Okay. If you don't -- if you don't want  
8 to bring a motion to compel, that is your -- that is your  
9 prerogative. That's fine. Unless I see one, and if you do  
10 later decide you want to compel them, you first have to meet  
11 and confer, try to resolve the dispute. If you can't resolve  
12 it and you want to bring a motion to compel, you have to send  
13 me a document that's entitled motion to compel and you have to  
14 say, I asked for this, I think it's relevant. They haven't  
15 given it to me and here is their response to my request, so I  
16 can see whether what you're asking for is relevant and, if  
17 necessary, compelled them to produce it.

18 MS. BEY: Thank you very much, Your Honor. And I  
19 would expect the same from them.

20 THE COURT: Yes. As I say in -- often, discovery is  
21 a two-way street. All right.

22 What else do we need to discuss today?

23 MS. YSAGUIRRE: Your honor, Melissa Ysaguirre for  
24 the state defendants, which are Court Officer's Shea and  
25 Rocke.

1           As far as the status, or discovery status with the  
2           state defendants, I did actually have a meet and confer with  
3           Ms. Bey on March 16th. I have -- and before that meet and  
4           confer by phone, I sent her a deficiency letter on March the  
5           2nd.

6           We were not able, in my opinion, to resolve any  
7           discovery disputes, and I just wanted to clarify that that  
8           could be because Ms. Bey has not provided itemized responses  
9           which correspond to each interrogatory and document request.

10          I'm having a similar issue as city defendants in  
11          that Ms. Bey refuses to sign a CPL release so that we can  
12          obtain the records relating to the arrest which occurred on  
13          October the 9th, 2018.

14          And then also, we wanted her to -- or we requested  
15          that she sign medical releases, and I'm -- from the unusual  
16          occurrence reports, she was treated by, SDNY EMTS and then  
17          taken into Brooklyn Hospital.

18          So those are the two medical providers that I'm  
19          aware of, but because Ms. Bey hasn't responded to our  
20          requests, you know, on an itemized fashion and kind of just  
21          has -- I guess, I'm not sure, but, has a blanket objection to  
22          signing any releases, I'm not aware, you know, of any other  
23          medical providers. If --

24                THE COURT: Okay.

25                MS. YSAGUIRRE: -- if she doesn't have documents, or

1 she wasn't treated by any other medical providers, we would  
2 just ask that she provide itemized responses to let us know  
3 if, you know, she doesn't have any documents that are -- that  
4 are being requested or, you know, if there are no more -- no  
5 more medical providers other than the two that I just  
6 mentioned that could clear up some of the issues with  
7 discovery.

8 So otherwise, the state defendants would be making a  
9 motion to compel.

10 THE COURT: Okay.

11 MS. BEY: Islam. I do have one question. Just one.  
12 You all do realize I'm not an attorney, right? And you all  
13 also realize I have children that are home schooled and I also  
14 have many businesses that I run.

15 I find it really unfair that you believe that I  
16 should sit down every single day and answer you line by line,  
17 number by number, when I have written you a response. Fully  
18 written, clear and concise as to what you are saying.

19 And I feel like it is not fair that you think I  
20 should do what you have to do as an attorney, because your  
21 defendants were wrong.

22 Now I understand there's no such thing as fair and  
23 unfair here because we're in court, but I do think you all  
24 need to stop trying to push undue hardship -- undue hardship  
25 on me and understand that this is not the only case that I'm



1 litigating, but because the City of New York and the State of  
2 New York failed to protect me, I have three other cases in  
3 other courts.

4 So what I -- when I respond to you, I respond to you  
5 in an intelligent tone, and I respond in a way that when  
6 somebody is responding to somebody, they write. I am a  
7 writer, so I know how to be clear and answer questions in my  
8 paragraphs.

9 I really do not believe that you guys are reading  
10 what I'm sending you. I do not believe that you guys are  
11 reading the emails I'm sending you. I don't believe that you  
12 guys are doing any of the reading that is required in this  
13 case, but I understand that you are busy.

14 And like I said to the -- to the judge, and I'm  
15 going say to you, Ms. Ysaguirre, and to you, Ms. Rolon, if you  
16 feel that you need to send a motion to compel, please do so  
17 and I will respond in like fashion to your motion, because  
18 that's what people do to motions.

19 And I think at this point, I'm going to stop  
20 speaking because I feel myself getting a little aroused, and I  
21 don't want to get out of -- I don't want to respond or move  
22 out of the quality of character as a Moorish American, so I'm  
23 a yield the floor and just listen from here on out, and with  
24 that, I'm going to say peace.

25 THE COURT: Well, you raised two -- actually three

1 issues, Ms. Ysaguirre. One, the lack of a 160.50 release,  
2 two, the lack of medical releases, and three, the adequacy of  
3 Ms. Bey's written responses to your discovery requests.

4 With respect to the first, the lack of a 160.50  
5 release, I am ordering Ms. Bey to sign one. And, Ms.  
6 Ysaguirre, you are to provide a subpoena.

7 I don't know if it's two separate subpoenas, if one  
8 has to go to the Office of Court Administration, the other has  
9 to go to, I guess -- I don't know if it's the NYPD or what,  
10 but whatever -- whoever needs to be -- whoever has the records  
11 that are sealed by the -- by 160.50, you need to prepare a  
12 subpoena for my signature, and I will sign -- and with the  
13 return being the court address.

14 And, Ms. Ysaguirre, my case manager who is on the  
15 call, can provide you with -- we have a records room where  
16 they bring documents, so that's the return address for the  
17 subpoena?

18 We will have the subpoenas signed and then you will  
19 serve them just like we're doing with respect to the city with  
20 respect to the medical records. We'll do that for both the  
21 160.50 and any providers of medical services to Ms. Bey as a  
22 result of the October 9th, 2018 incident.

23 So get those subpoenas and releases to us by next  
24 Friday and we will take care of -- we'll -- and put them up on  
25 the docket and we'll sign off on them and they'll be there and

1       you can then serve them and they'll send the records to us.

2               The third issue --

3               MS. YSAGUIRRE: (Indiscernible.)

4               THE COURT: -- the adequacy of written responses --  
5       and this goes for the City and State of New York. As much as  
6       Ms. Bey believes her written responses to date are sufficient,  
7       parties are obligated, whether they're pro se or not, to  
8       respond in writing separately to each of the requests. So --  
9       just so the other side doesn't have to hunt through voluminous  
10      writings to find the answers. And that's why the written  
11      responses have to be made under oath.

12              So to the extent Ms. Bey won't do that, if you want  
13      to bring a motion to compel, go right ahead. That's your --  
14      that's your decision. I will say, to the extent you can find  
15      the answers and make this an easier process for Ms. Bey,  
16      please do that.

17              But if you can't and you think -- and you think you  
18      need those written responses itemized to each request, make a  
19      motion to compel. Okay?

20              I think we're probably going to need to adjust -- I  
21      mean, we're not at depositions yet, and that's -- that will  
22      come, but I want the written discovery to be completed first.  
23      I don't know if Ms. Bey intends to have depositions, which she  
24      will have to bear the expense for, and I'm sure that the State  
25      and City --

1 MS. BEY: I can't afford that. So if it's not --

2 THE COURT: Okay.

3 MS. BEY: -- a part of proceedings, I'm not going to  
4 be able to do that and so everything will just have to come  
5 out at trial.

6 THE COURT: Okay. But I'm sure, Ms. Bey, that the  
7 defendants will want to take your deposition at their expense,  
8 and they will contact you at the right time to arrange that.

9 MS. BEY: I have no problem.

10 THE COURT: Okay. I'm just looking at this  
11 discovery schedule. There -- we're going to adjust the  
12 discovery schedule at some point. It's currently set to close  
13 on June 10th and we have a conference scheduled for June 14th  
14 at 11:000.

15 I'm going to task the defendants with conferring  
16 with Ms. Bey as that date approaches, the date for the close  
17 of discovery, June 10th. If you think you need additional  
18 time collectively, as a group, you will write to me no later  
19 than -- I'll pull up my calendar to get this right. No later  
20 than June 7th, three days before the close of discovery, and  
21 ask for an extension of time, and ask for a specific extension  
22 of time if you can agree to it. We'll -- you know, so I can  
23 see exactly when you want things to close, and I, you know, in  
24 all likelihood, will give you that extension and adjust the  
25 schedule accordingly and adjourn our conference until after

1       that.

2               If you can't agree on an extension, I still want to  
3       see that status report on the 7th of June, and the defendants  
4       will tell me what they want to do, and they will include what  
5       Ms. Bey wants to do. If she wants to close discovery on June  
6       10th, they'll indicate that and the reasons why.

7               If she wants to extend only to July, but the  
8       defendants want until August or September, whatever, I need to  
9       see each side's position, but that's a document that's going  
10      to be crafted by the defendants in consultation with Ms. Bey.  
11      Okay?

12              MS. BEY: I just want to put on a record for  
13      everyone here, you have my complete -- again, you have my  
14      complete and total compliance. Like I said, anytime you all  
15      send me a request in my email or otherwise, it will get  
16      responded to. And, Your Honor, I hear all of the orders of  
17      the Court and I will comply accordingly.

18              THE COURT: Okay, excellent. Thank you.

19              Okay, folks, I have a -- I have another conference  
20      at noon, so I need to adjourn. Is there anything else we need  
21      to discuss?

22              MS. BEY: I'm clear. Peace and love.

23              THE COURT: Thank you.

24              MS. ROLON: Not from the city defendants, Your  
25      Honor. Thank you.

1 MS. YSAGUIRRE: Nothing further from state  
2 defendants.

3 THE COURT: Okay. Thank you everyone.

4 MS. ROLON: Thank you, Your Honor.

5 (Proceedings concluded)

6 I, CHRISTINE FIORE, court-approved transcriber  
7 and certified electronic reporter and transcriber, certify  
8 that the foregoing is a correct transcript from the official  
9 electronic sound recording of the proceedings in the above-  
10 entitled matter.

11  
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13 \_\_\_\_\_ April 8, 2022

14 Christine Fiore, CERT  
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